



# **Convention on the Rights of the Child**

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## **Committee on the Rights of the Child**

### **Sixty-fourth session**

16 September–4 October 2013

Item 4 of the provisional agenda

### **Consideration of reports of States parties**

## **List of issues in relation to the combined second to fourth periodic reports of Sao Tome and Principe (CRC/C/STP/2-4)**

### **Addendum**

### **Replies of Sao Tome and Principe to the list of issues<sup>\*</sup>**

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<sup>\*</sup> In accordance with the information transmitted to States parties regarding the processing of their reports, the present document has not been formally edited.

## **I. Replies to the issues raised in part I of the list of issues**

### **Replies to the issues raised in paragraph 1 of the list of issues (CRC/C/STP/Q/2-4)**

1. In January 2011, the Ministry of Foreign Affairs, Co-operation and Communities (MNECC), in partnership with the United Nations Children's Fund (UNICEF), and with the assistance of a national consultant, updated the study on the disparities between national legislation and the Convention on the Rights of the Child (CRC). This study provided recommendations, in particular amendments to Law No. 2/77, and the creation of a family and juvenile court.
2. According to Article 3 of the Family Law in effect in Sao Tome and Principe (Law No. 2/77), either sex can marry once they are eighteen years old. However, paragraph 2 of the same Article stipulates that, exceptionally, and when justified, parents or the Courts may authorise the marriage of a girl of 14 years old and a boy of 16 years old.
3. There is a project to update the Family Law in order to include the issue of gender and safeguarding of the interests of the child. There are several awareness-raising programmes and projects undertaken by NGOs in the country, and information for behavioural change and awareness of parents, adolescents and youth for delaying the age of marriage.

### **Replies to the issues raised in paragraph 2 of the list of issues**

4. Following the presentation of Sao Tome and Principe's Initial Report on the Implementation of the Convention on the Rights of Children in May 2004, the recommendation was to create a co-ordination unit for the CRC. In October 2009, the Ministry of Foreign Affairs, in partnership with UNICEF, created the National Committee for the Implementation and Monitoring of the Convention on the Rights of the Child.
5. The Committee's role was to follow up the implementation of the Convention on the Rights of the Child insofar as the recommendations made by the Geneva Committee were concerned. Its primary tasks were to follow up Government activities in relation to the implementation and monitoring of the rights of the child; ensure that Government activities complied with the recommendations and considerations related to the first report with regard to education, health, child survival, participation and child protection; carry out field work as well as surveys on the evolution of the situation of the child in Sao Tome and Principe.
6. The Committee operated for three years until November 2012, when it lapsed. Constituted by eight members from both the private and public sectors, it had been always directly supported, both financially and technically, by UNICEF.
7. From February 2013, the MNECC, in partnership with UNICEF, has worked to transfer the Committee's responsibilities to an independent NGO to ensure full operation.

### **Replies to the issues raised in paragraph 3 of the list of issues**

8. Currently, no fully operational and institutionalised human rights committee exists in the country, although both a focal point and an ad hoc inter-ministerial committee do exist and function as necessary.

### **Replies to the issues raised in paragraph 4 of the list of issues**

9. In 2007, a new Law No. 11/2007, created the Public Information and Records Office, a public body overseen by the National Assembly, which provides a system under which public access to, and diffusion of, information with regard to oil activities is assured, through the use of information and communication technologies, guaranteeing effective public participation and improved control with regard to the utilisation of resources arising from these activities. Following the creation of the National Oil Agency by Law-Decree No. 5/2004, various legal documents were created, such as the oil taxation law, the legal framework for oil operations, the Oil Sector Strategy in the Democratic Republic of Sao Tome and Principe, the law on oil revenue, the law on the environment and the law on maritime security.

### **Replies to the issues raised in paragraph 5 of the list of issues**

10. The strategic actions for the elimination of discrimination against children, in particular girls, children living with disabilities and children from impoverished families and from rural areas, have been limited by a lack of means and resources as well as specific programmes.

11. The 2002–2013 National Education Plan, developed following recommendations by the Global Fund for Education – Education for All, envisages a special education programme for the socio-education integration of children with special education needs.

12. A strategy was adopted with guidelines on equity and inclusion in implementing the creation of public/private partnerships for children with special needs, such as orphans, abandoned children and children with special education needs.

13. In relation to Article 16 on special education modalities (Law No. 2/2003, the Law on the Education System), a strategy for inclusive education was developed, with three target goals: (a) to assist in the design of a sign language system for children with special education needs; (b) to assist in the conception of a teacher qualification programme within the perspective of an inclusive education; and (c) to assist in the planning and organisation of a service network within the country's education system providing support to all children with special education needs.

### **Replies to the issues raised in paragraph 6 of the list of issues**

14. The juridical framework with regard to the prior hearing of the opinion of a minor is still considered an option, and not an obligation. Law No. 2/1977, Article 107, provides for adoption cases in which the minor must be heard when older than 7 years of age. Article 145 of the same law, with regard to respect for the opinion of the child, establishes the obligatory hearing of the opinions of the child older than 7 years of age in cases of adoption.

15. Decree No. 417/71 of 29 September 1971 does not provide for any prior hearing of a minor insofar as the defence of a contradicting statement and the production of proof are concerned. However, in practice, the Attorney General (as custodian of the minor) hears minors over 7 years old involved in proceedings, as necessary. Nevertheless, within the scope of the projected programme in relation to the juridical protection of the child, some information and awareness-raising activities have been developed with a view to raising awareness in society, in particular of parents and guardians, on the importance of the child's right to his/her opinion in the resolution of their own problems.

### **Replies to the issues raised in paragraph 7 of the list of issues**

16. The Government of the Democratic Republic of Sao Tome and Principe elaborated a national strategy for the systematic birth registration of children designed to reduce the number of unregistered children in the country.

17. Accordingly, the following activities were developed:

- (a) Training traditional midwives to enable them to sensitise the mothers to accept to give birth in the nearest hospital;
- (b) Training civil registry technicians in the districts;
- (c) Creating and equipping mobile and permanent teams within central and district hospitals;
- (d) Training nurses and midwives on issues of birth registration; and
- (e) A permanent team in hospitals and district centres to register births every day and at no cost.

18. Going beyond sociocultural issues, changes in attitude and behaviour have been noted inasmuch as fathers, in particular, seem to have not only accepted, but adhere to the concept of birth registration of their children. From the beginning of the strategy in 2010 through September 2012, more than 13,019 newborns were registered for 14,082 live births.

### **Replies to the issues raised in paragraph 8 of the list of issues**

19. Saotomean legislation has advanced greatly with regard to standardisation of crimes related to minors, in particular sexual violence, abuse and exploitation, corporal punishment, among others.

20. Regarding crimes against physical integrity, the new Penal Code (Law No. 6/2012) was approved and published on 6 August 2012 in No. 95 of the Diário da República. Chapter III, Article 152, typifies ill-treatment or taking advantage of minors and subordinates as domestic violence. As regards crimes against the liberty of individuals, Chapter IV, Article 164, typifies statutory rape as a crime against sexual liberty, while Chapter V considers crimes against sexual self-determination (Section I, Article 166 to Section II, Article 174, as well as Articles 175 to 181) and standardises crimes and penalises actions such as the child trafficking, child pornography, prostitution of minors, minor-adult sexual relations, statutory rape, forced sex acts and sexual molestation and harassment, rape, sexual abuse of defenceless individuals.

21. Laws No. 11/2008 and No. 12/2008 strengthen the legal mechanisms for the protection of victims of domestic violence. With regard to corporal punishment, although no data is available for this type of act, it is believed that prohibition of this practice is being adhered to by the majority of teachers in the country, given that some information and awareness-raising activities have taken place at the national level.

22. Law No. 3/2012, published on 27 January 2012 in No. 4/2012 of the Diário da República, prohibits entry to commercial establishments selling alcoholic drinks, audiovisual materials and dance halls by minors, and aims to protect minors against sexual abuse and molestation, among other types of violence that may be practiced against minors in this type of setting.

23. As well, Law No. 5/2008, concerning the juridical administration of foreign citizens in the country, regulates the entry and exit of minors into the country as a measure of protection against child trafficking, child exploitation and other possible crimes.

### **Replies to the issues raised in paragraph 9 of the list of issues**

24. As concerns institutional mechanisms created by the Government, the Counselling Centre against domestic violence has undertaken awareness-raising activities to sensitise communities about domestic violence, violence within the family and violence in schools. In fact, based on Law No. 11/2008 against Domestic Violence and Law No. 12/2008 on Strengthening Legal Protection Mechanisms for Domestic Violence Victims, the Centre has developed mediation and counselling activities against domestic violence and has created, within its building, a small 48-hour shelter for victims of domestic violence.

25. In 2012, in partnership with various public and private international institutions, the Centre for Counselling against Domestic Violence launched “Rede Vida” (“Life Network”), a programme which aims to fight violence against women, gender violence and violence against children. This programme also enabled the installation of a free telephone line to enable the reporting of violence crimes by telephone; the creation of various counselling centres nationally; and community training.

26. In 2011, following the 2002–2013 National Education Plan of Action, the Ministry of Education conducted a study on the integration of children living with disabilities within the school system, resulting in the introduction, in 2013, of training in sign language in some schools thereby enabling the integration of these children. Through co-operation protocols with various shelters for vulnerable children, the Government has worked towards their integration in an adequate social environment and their placement within the school system.

### **Replies to the issues raised in paragraph 10 of the list of issues**

27. Sao Tome and Principe is determined to eliminate the transmission of HIV/AIDS, in particular vertical transmission from mother and child, by 2015. Since 2007, all pregnant women are submitted to an HIV test from their first pre-natal visit. If the result is positive, the woman is followed up by a specialist in mother-to-child HIV transmission.

28. Since 2007, the Government, in partnership with the United Nations Population Fund (UNFPA), has worked towards the creation of counselling centres in schools with the aim of raising awareness and educating youth on sexual health and HIV/AIDS. At the district and national levels, various publicity spots, pamphlets and brochures, theatre and training sessions have been produced to inform and sensitise on these issues.

29. With regard to reducing the transmission of HIV/AIDS among youth, the Government has distributed condoms in various health centres, bars, discos and other places of recreation, where the majority of Saotomean youth is concentrated.

30. In 2013, the Government created a free telephone line for the general population to obtain information on HIV/AIDS as well as counselling.

### **Replies to the issues raised in paragraph 11 of the list of issues**

31. According to the reproductive health services, each month close to 20 pregnant girls between the ages of 14 and 17 seek Health Centre services, for an average of 240 per year. The majority of girls only seek health services after their first birth. the content of the

service is focuses on the importance and necessity of birth spacing and the number of children.

32. In 2010, a study was conducted on the causes of early pregnancy in Sao Tome and Principe. Having identified the widespread practice of early pregnancy, the Government organised several seminars and training at both the district and national levels in schools and communities, informing and raising awareness on celibacy or the constant use of contraceptive methods.

### **Replies to the issues raised in paragraph 12 of the list of issues**

33. Arising from the Structural Adjustment Programme (PASS), the Fast-Track project was instituted with funding of US\$3.6 million. This project undertook the construction and rehabilitation of classrooms to reach the objective of universal, free and obligatory 6-year elementary school education for all children in the country.

34. Until now, the Government has not worked on elaborating a specific budget for children to assist in the resolution of problems affecting youth. Nevertheless, with support from the European Development Fund (EDF), the country has significantly (> 40%) improved public access to sanitation and safe drinking water.

### **Replies to the issues raised in paragraph 13 of the list of issues**

35. Universalisation of obligatory basic education for a period of six years is a close reality in the country. School attendance rates are high, with 98% of girls and 97% of boys. The revision of the 2007-2017 Education and Training Strategy established its objective to provide basic education for all, respecting gender, regional and urban/rural perspectives.

36. The Government, in partnership with some donors, is providing assistance such as free uniforms to the most vulnerable families, concession of school passes on school buses and school grants, to minimise the difficulties experienced by those children living far from the nearest school and reduce school dropout at all levels.

37. In partnership with the United Nations World Food Programme (WFP) and the Government of Brazil, the Government is providing one hot meal per day to students to improve their nutrition and reduce school leaving by poor children.

38. Since 2001, a 9-month adult literacy programme has been carried out by the Government of Sao Tome and Principe, during which adults learn to read and write and do simple maths. Of those being trained, 54% are women.

39. Together with the school grant programme, the adult literacy programme contributes extraordinarily to the improvement of parental perception of the importance of their children's education, as well as facilitates improved conditions for the parents to increase their revenue opportunities and thus improve their living conditions.

### **Replies to the issues raised in paragraph 14 of the list of issues**

40. With regard to child labour, a National Plan on the Worst Forms of Child Labour, in co-operation with the International Labour Organization (ILO), UNICEF and the Government, was validated on 11 June 2013, listing the worst forms of child labour. In this context, several awareness-raising actions have been recommended with a view to eliminating child labour on plantations, in domestic service and other activities.

41. The Chamber of Commerce, Industry, Agriculture and Services organised several training and awareness-raising seminars for teachers, employers and young business individuals to enable them to denounce and criticise this type of labour.

### **Replies to the issues raised in paragraph 15 of the list of issues**

42. With regard to paragraphs 177 and 178 of the report on the consumption of drugs by adolescents, the Government of the Democratic Republic of Sao Tome and Principe, through the Ministry of Justice, Public Administration and Parliamentary Affairs, is undertaking a national campaign to counter drug consumption by providing information, organising sensitisation, awareness-raising debates, talks, documentary films, community theatre, children's films, radio contests, direct social media interviews with adolescents in particular both in schools and in the communities.

43. Law No. 3/2012 prohibits the entry and permanence of minors to/in commercial establishments selling alcoholic beverages, audiovisual materials and discos. Chapter IV of the new Penal Code (Law No. 6/2012), published in the *Diário da República*, No. 95, on 6 August 2012, is entitled "Crimes Against Public Health." Articles 278 to 294 penalise consumers, traffickers, manufacturers and sellers of illegal plants, substances or preparations. Those listed in Tables I to II entail a prison sentence of 2 to 12 years, while the prison sentence for those listed in Tables V to VI is from 2 to 10 years. For those listed in Table IV, the prison sentence ranges from 1 to 5 years. A new law on drugs is currently under review by the Constitutional Court.

### **Replies to the issues raised in paragraph 16 of the list of issues**

44. With regard to the implementation of a juvenile justice system, Article 57 of Law 7/2010 on the Judiciary System provides for the creation of a juvenile court. Although the creation of this court has not yet been possible, there exists a generically competent court which prepares and judges proceedings relative to causes not attributable to other courts.

## **II. Replies to the issues raised in part II of the list of issues**

### **(a) New bills or laws and their respective regulations**

45. A series of new laws on children are currently being developed, in particular:

- (i) Law for the protection of children and youth at risk;
- (ii) Law on the foster family;
- (iii) Law on institutional shelters for children and youth at risk;
- (iv) Law on adoption;
- (v) Law on guardianship of minors (OTM CÍVEL: Organização Tutelar de Menores em Matérias Cível).

### **(b) New institutions (and their mandates) or institutional reforms**

46. Other legislation currently in effect includes:

- (i) Law No. 11/2008 on Domestic Violence, as well as Law No. 12/2008 on the Protection of Victims of Domestic Violence permitted the creation of a Centre for Counselling against Domestic Violence to guarantee respect for and implementation of these laws;

(ii) The Penal Code, in particular Article 152, Chapter IV, on crimes against individual liberty; Articles 159 to 164, Chapter V, on crimes against sexual liberty and self-determination; Articles 164 to 173, Section II, on crimes against sexual self-determination; Articles 175 to 181, Title IV, on crimes against life within society; Chapter I, Articles 259 to 262, on crimes against the family, religious sentiment and the respect due to the deceased;

(iii) In order to protect society, in particular children and adolescents, from malevolent acts leading to measures affecting their social defences and corrupting those most vulnerable, and to introduce legislation and adequate protection models to prevent the access of minors to places where alcoholic beverages are sold, Law No. 3/2012 was created and published to prohibit access by minors to places selling alcoholic beverages and tobacco as well as to prohibit their access to audiovisual reproduction and storage centres.

**(c) Recently introduced policies, programmes and action plans and their scope and financing**

47. Recently, the Ministry of Education, Culture and Training benefitted from the School+ Project developed by the NGO Instituto Marques de Valle-Flôr, in partnership with Portuguese co-operation, to provide a strong vocational training component at the National Secondary School.

**(d) Recent ratifications of human rights instruments**

48. With regard to international human rights instruments, the National Assembly has already approved the following Conventions, all of which have been ratified:

- (i) The ILO Convention No. 182 on the Worst Forms of Child Labour, approved on 15 October 2003 and ratified on 4 February 2004;
- (ii) The ILO Convention No. 183 on Maternity Protection, approved and ratified on the same date;
- (iii) The United Nations Convention against Corruption;
- (iv) The 1961 United Nations Single Convention on Narcotic Drugs;
- (v) The 1971 United Nations Convention on Psychotropic Substances;
- (vi) The 1988 United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances;
- (vi) The WHO Framework Convention on Tobacco Control.
- (vii) The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, approved on 24 November 2006 and ratified on 27 June 2006;
- (viii) The ILO Convention No. 103 on Maternity Protection (revised 1952), already ratified.